

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

GARY R. MILLER

Plaintiff,

V.

PORTFOLIO RECOVERY ASSOCIATES,
LLC,

Defendant.

Case No.:

PORTFOLIO RECOVERY ASSOCIATES, LLC'S NOTICE OF REMOVAL

NOTICE OF REMOVAL

To: Judges of the United States District Court for the Northern District of Illinois

Defendant, Portfolio Recovery Associates, LLC, by and through its attorneys David M. Schultz and Ruddy S-A. Abam, and for its Notice of Removal pursuant to 28 U.S.C. § 1331, §1441, and § 1446, and in support thereof, state as follows:

1. On or about October 11, 2022, Plaintiff Gary R. Miller, filed a small claims complaint against Portfolio Recovery Associates, LLC in the Circuit Court of Macon County, Illinois. A copy of the complaint is attached hereto and incorporated herein by reference as Exhibit A.

2. Defendant was served with the summons and complaint on or around November 15, 2022.

3. Copies of the above mentioned summons and complaint constitute true and correct copies of all process, pleadings and orders.

4. The complaint asserts a federal cause of action for purported violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692g. *See* Ex. A.

5. This Notice was filed with the Clerk of the United States District Court within thirty (30) days after service of the complaint upon the Defendant. 28 U.S.C. §1446(b).

6. 28 U.S.C. §1441(b) provides as follows:

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the state in which such action is brought.

7. The United States District Court for the Northern District of Illinois has jurisdiction over the plaintiff's claims because the allegations contained in his complaint arise under the Constitution, laws or treaties of the United States. 28 U.S.C. §1331.

8. In the complaint, plaintiff alleges that Portfolio Recovery Associates, LLC was attempting to collect a debt from him.

9. Plaintiff claims Portfolio Recovery Associates violated the FDCPA, and seeks recovery of damages under the Act.

10. The plaintiff's complaint invokes federal question jurisdiction because the allegations involve claims under 15 U.S.C. §1692 *et. seq.*

11. Attached hereto as Exhibit B is a copy of PRA's Notice of Filing Notice of Removal to be served on all parties and filed in the Circuit Court of Macon County, Illinois.

12. Portfolio Recovery Associates files herewith the civil cover sheet and has made payment of the required filing fee.

13. Portfolio Recovery Associates has good and sufficient defenses to this action, none of which have been waived or forfeited.

WHEREFORE, the Defendant, Portfolio Recovery Associates, LLC, respectfully requests that this case proceed in this Court as an action properly removed to it.

Dated: December 13, 2022

Respectfully submitted,

PORTFOLIO RECOVERY ASSOCIATES, LLC,
DEFENDANT

/s/ Ruddy S-A. Abam

One of the Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2022, a copy of the foregoing **NOTICE OF REMOVAL** was electronically filed with the Clerk of the Court using the ECF system, which sent electronic notification of the filing and was served upon all parties of record via the Court's CM/ECF system and/or by Mail and U.S. Mail.

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/s/ Ruddy S-A. Abam